(24)

(1)

C/44801

P.R. No. 2442
Presented by Shri J.L. Amrao
dated 9.9.02

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 744 /2002

1) Narendra Kumar Chandrakar, aged about 52 years, s/o Late Kedarnath Chandrakar, r/o Shivaji Nagar, Kohka, Po.Supela, Distt. Durg (Chhattisgarh), P.NO.44546, Date of Retirement 9/6/2000, (M.E. Operator)

2) Ramlal Dhobi, aged about 55 years, s/o. Late Heeralal Dhobi, r/o. Newai, c/o. Sanjay Cycle Store, Po. Newai, Distt. Durg (Chhattisgarh), P.NO.10111, Date of Retirement 9/6/2000

3) Gaurishankar Ram, aged about 54 years, s/o. Late Dahariram, r/o. Station Marauda, H.S.C.L. Colony, Near Durga Mandir, P.O. Newai, Distt. Durg (Chhattisgarh), P.N.13186, Date of Retirement 31/7/2000

4) Rambahadur, aged about 52 years, s/o. Late Heera Bahadur, r/o. Station Marauda, H.S.C.L. Colony, Near Durga Mandir, P.O. Newai, Distt. Durg (Chhattisgarh), P.N.42413, Date of Retirement 31/7/2000.

5) Sagai, aged about 50 years, s/o. Late Kaish, r/o. Station Marauda, H.S.C.L. Colony, Near Durga Mandir, P.O. Newai, Distt. Durg (Chhattisgarh), P.N.14842, Date of Retirement 9/6/2000.

6) S.P. Singh, aged about 58 years, s/o. Late Lapeshwar Singh, r/o. Station Maraunda, Prakash Medical Store, PO Newai, Distt. Durg (Chhattisgarh), P.N.16640, D.O.R. 9/6/2000

7) P.K. Sharma, aged about 50 years, s/o. Jamuna Prasad, r/o. Station Maraunda, Prakash Medical Store, PO Newai, Distt. Durg (Chhattisgarh), PN 45431, DOR 9/6/2000.

8) Kanji Singh, aged about 50 years, s/o.Late Magru Singh, r/o. Station Maraunda, Seema Book Depo, PO Newai, Distt. Durg (CG), PN 11008, DOR 9/6/2000

9) Sona Muni, aged about 46 years, s/o. Late Doman Manjhi, r/o. Station Maraunda, Near Durga Mandir, H.S.C.L. Colony, PO Newai, Distt. Durg (C.G.), PN. 14913, DOR 9/6/2000.

10) S. Yadav, aged about 46 years, s/o. Late Balgovind Yadav, r/o. Milan Chowk, SantosiPara, Camp No.2 PO Bhilai, Distt. Durg (Chhattisgarh), PN 10301, DOR. 9/6/2000.

11) Niranjan Rai, aged about 54 years, s/o. Late Banwarirai, R/o. Gupta Hotel, Camp 9, Road No.18, PO Supela, Distt. Durg (Chhattisgarh) PN 19591,DOR 31/10/2000

12) Bheemrao Borkar, aged about 47 years, s/o Late Brijlal Borkar, r/o. E.W.S. E.12 Madar Teresa, Nagar Camp 2 PO Sector 9 Bhilai, Distt. Durg (C.G.) PN 43448, DOR 31/10/2000

13) Satyanarayan Gupta, aged about 53 years, S/o. Late P.L.R.C. Sah, r/o. Vrindavan Nagar Camp 1, Shivam Studio Shiv Mandir, Office W.,10-19 PO Supela, Distt. Durg (Chhattisgarh), P.N. 11074, DOR 31/10/2000.

9/9/02

(25)

(2)

s/o Late Sakharam

14) Gorakhram, aged about 50 years, r/o. Labour Colony Khursipar, Sector 11, Zone 3, C/o. Laxman Kirana Store, PO Khursipar, Distt. Durg (Chhattisgarh), P.N. 44754, DOR 31/7/2000.

15) Shyambai, aged about 53 years, s/o. Late Anandram, r/o. Labour Colony, Khursipar, Sector 11 Zone 3 PO Khursipar, Distt. Durg (C.G.), PN 42934, DOR 31/7/2000.

16) Smt Suhavanbai, aged about 46 years, D/o. Late Biharilal Sahu, r/o. Khursipar, Telhanala, c/o. Kanhaiya Sahu, Kirana Store, Sector 11 Khursipar, PO Khursipar, Distt. Durg (C.G.), PN 46583, DOR 31/7/2000.

17) Shivnath Singh, aged about 52 years, S/o. Late Sabhapati Singh, r/o. Gupta Hotel Ration Shop Camp No.1 PO Supela, Bhilai, Distt. Durg (Chhattisgarh), PN 13866, DOR 31/10/2000.

Amended as per court order dated 28/6/03

18) Bhrigunath Prasad, aged about 52 years, S/o. Late Raghubeer Sah, r/o. 57 E K L C Post Sector 11 Zone 2 Distt. Durg (Chhattisgarh), PN 10759, 17059 DOR 31/10/2000.

19) Maleshram Sahu, aged about 47 years, s/o. Dhansah Sahu, r/o. vill and post Kurud, Bhatapara, c/o. Gupta Hotel Main Road, Kurud, Bhilai, Distt. Durg (C.G.) PN 44471, DOR 31/10/2000.

20) Kapilram, aged about 54 years, s/o. Late Kashiram, r/o. Murli Kirana Store, H.S.C.L. Labour Colony, Near I.T.I. PO Khursipar, Sector 11, Distt. Durg (Chhattisgarh), PN 11265, DOR 11/9/2000.

s/o Late Govind Ram

21) Chhedilal Dewangan, aged about 56 years, r/o G. Road, behind Ram Mandir Bhilai 3, PO Bhilai 3, Distt. Durg (Chhattisgarh) PN 46508, DOR 9/6/2000.

22) Bhagatram, aged about 51 years, s/o. Late Peeluram, r/o. Indra Nagar, Hathkhoj, PO. Surdung, Distt. Durg (Chhattisgarh) PN 44794, 46238 DOR 9/6/2000.

23) Krishnaram, aged about 50 years, s/o. Late Itwari ram, r/o. Bajrang Kirana Store, Mahamaya Para, Bhilai 3, Distt. Durg (Chhattisgarh), PN 46096, DOR 9/6/2000

24) Savaliya Tiwari, aged about 55 years, s/o. Late Girja Tiwari, s/o. Station Maraunda, H.S.C.L. Colony, Bhoosha Shop, PO Newai, Distt. Durg (CG) PN 17665, DOR 9/6/2000

25) Nathuniram, aged about 50 years, s/o. Ladduram, r/o. Premchand Kirana Store, B.R.P. Colony, Station Maraunda, PO Newai, Distt. Durg. (Chhattisgarh) PN 21447, DOR 9/6/2000

26) Alakh, aged about 50 years, s/o. Late Fagua, r/o. Kurud PO Kurud, Distt. Durg (Chhattisgarh), PN 46072, DOR 16/3/2000

27) Asharam, aged about 55 years, s/o. Late Genduram, r/o. vill Audhi PO Audhi, Distt. Durg (Chhattisgarh), PN 42825, DOR 16/3/2000

9/7/03

28) Durga Prasad, aged about 50 years, S/o. Late Nirdhin, r/o. Labour Colony, Khursipar, Near Durga Mandir, Zone 3 Shivshankar Kirana Store, PO Khursirap, Distt. Durg (Chhattisgarh), PN 46438, DOR 9/6/2000

29) Jagtu, aged about 56 years, s/o. Late Fagua, r/o. Kurud, PO Kurud, Distt. Durg (CG), PN 46052, DOR 9/6/2000

30) Rajdev Singh, aged about 53 years, s/o. Late Raghunath Singh, r/o. Camp No.2 Sidharth School Rani Kirana Store Baikunthdham, PO Sector 1 Distt. Durg (Chhattisgarh) PN 11898, DOR 31/7/2000

31) Rambati Gahlot, aged about 56 years, s/o. Late Rupan Gahlot, r/o. Sahara Cycle Shop in front of ITI, G Road, Khursipar, PO Khursipar, Zone 1 Distt. Durg (Chhattisgarh), PN 17682, DOR 11/10/2000.

Amended as per Court order dt 28/6/03

Tulujooram

32) Chhunchaluram, aged about 54 years, s/o. Late Bahruram, r/o. Camp 1, Jagriti Chowk, Nandu Kirana Dukan, PO Supela, Distt. Durg (CG) PN 45399, DOR 9/6/2000.

33) Baban Singh, aged about 59 years, s/o. Late Santa Singh, r/o. New Khursipar Teacher Colony, PO New Khursipar, Distt. Durg (CG), PN 16722, DOR 31/7/2000

34) Salikram, aged about 55 years, s/o. Late Vishal ram, r/o. vill Junwani, Smriti Nagar, PO Junwani, Smriti Nagar, Distt. Durg (CG), PN 42982,DOR 9/6/2000

35) Rajendra Prasad Singh, aged about 53 years, s/o. Late Ramchandra Singh, r/o. Ruwabandha Sector H.S.C.L. Qtr No. 141 B Post Bhilai, Distt. Durg (CG), PN 13099, DOR 9/6/2000

36) Moti Prasad Harijan, aged about 50 years, s/o. Late Kashiram Harijan, r/o. Khursipar Bapunagar, Garden Road, Sangam Kirana Store, Sector 11, Zone 2 PO Khursipar, Distt. Durg (CG) (PN 12202, DOR 9/6/2000)

37) Hirde Ram, aged about 56 years, s/o.Late Govindram, r/o. Junwani, Smriti Nagar, PO Junwani, Smriti Nagar, Distt. Durg (CG) (PN 42986, DOR 9/6/2000)

38) Kuldeep Chaudhari, aged about 50 years, s/o. Late Bambhopa Chaudhari, r/o. Sharma Ashram Khursipar Labour Colony, PO Khursipar, Distt. Durg (CG) (PN 17765, DOR 9/6/2000)

39) Chandu sah, aged about 52 years, s/o. Late Sobha Sah, r/o. New Khursipar, Indra Chowk, PO New Khurshipar, Distt. Durg (CG) (PN13447, DOR 9/6/2000)

40) S.N. Chaudhari, aged about 51 years, s/o. Late Dhanpat Chaudhari, r/o. Khursipar Gate, Shivaji Nagar, Bhilai, PO Khursipar, Distt. Durg (CG) (PN 91514, DOR 30/9/2000)

41) Hariprasad, aged about 52 years, s/o. Late Samaru Prasad, r/o. Aryanagar, Kohka, PO Kohka, Distt. Durg (CG) (PN 45091 DOR 9/6/2000)

42) Pannalal Shandilya, aged about 57 years, s/o. Late Jhumuklal, r/o. Umrebara Borsi Road Kasaridih, Durg PO Kasaridih, Distt. Durg (CG)(PN 45428, DOR 30/4/2000)

(27)

(4)

43) Kasiram, aged about 52 years, s/o. Late Bijati, Aryanagar Kohka, PO Kohka, Distt. Durg (CG)(PN 45092 DOR 1/11/2000)

44) R.S. Swarnkar, aged about 52 years, s/o. Late Harlal Prasad, r/o. vill Umda PO Surdunga, Distt. Durg (PN 45551, DOR 30/9/2000)

45) Kartikram, aged about 48 years, s/o. Late Beersingh, r/o. Umda PO Surdung, Distt. Durg (CG) (PN 46098, DOR 31/10/2000)

46) Rampratap, aged about 50 years, s/o. Late Karan Singh, r/o. Dabarapara, Bhilai, 3 PO Bhilai 3 Distt. Durg (CG) (PN 45937 DOR 9/6/2000)

47) Mahaveer Ram, aged about 60 years, s/o. Late Ramsinghasan ram, r/o.New Khursipar, PO New Khursipar, Sangam Chauk, Prakash General Store, Distt. Durg (CG) (PN 12541, DOR 9/6/2000)

48) Surendra Singh Prasad aged about 49 years, s/o. Lakhraj Singh, r/o. Khursipar Kabeer Mandir Pandey Kirana Store, Zone 3, PO Khursipar, Distt. Durg (CG)(PN 13939, DOR 9/6/2000)

49) Tetku ram, aged about 52 years, s/o. Late Phoolsingh, r/o. Dabrapara Bhilai 3, PO Bhilai 3, Distt. Durg (CG) (PN 46281, DOR 9/6/2000)

50) Dhanshyam Lodhi, aged about 48 years, s/o. Late Mohanlal Lodhi, r/o. Sundar Nagar Kohka, Bhilai, c/o. Jagdeesh Captan PO Kohka, Distt. Durg (CG) (PN 45644, DOR 30/6/2000)

51) Moolchand Soni, aged about 52 years, s/o. Late Hasuklal Soni, r/o. vill Umda, PO Surdung, Distt. Durg (CG)(PN 44748, DOR 31/10/2000)

52) Tejuram Yadav, aged about 50 years, s/o. Late Ramlal, r/o. village Umda PO Surdang, Distt. Durg (CG)(PN 45744, DOR 5/6/2000)

53) Chhabilal, aged about 55 years, s/o. Late Lachhan, r/o. Qtr No. 5G Road No.16, Sector 11 Khursipar, Zone 1 Bhilai Distt. Durg (CG)(PN 46027, DOR 30.4.2001)

54) Sukhiram, aged about 55 years, s/o. Late Pardeshi, r/o. vill Aundhi PO Aundhi, Distt. Durg (CG) (PN 45099, DOR 9/6/2000)

55) Makhan, aged about 54 years, s/o. Late Rehua, r/o. vill Ringni PO Nardha, Distt. Durg (CG) (PN 45087, DOR 9/6/2000)

56) Sukaluram Sahu, aged about 43 years, s/o. Late Samaylal Sahu, r/o. Dabrapar, Bhilai 3, PO Bhilai 3, Distt. Durg (CG), (PN 45089, DOR 9/6/2000)

57) Radheylal aged about 45 years, s/o.Ghuvneshwar, r/o. Umda, Bhilai 3, PO Surdung, Distt. Durg (CG) (PN 45317, DOR 9/6/2000)

Amended as per court order dt 28/6/03

58) Pururam, aged about 52 years, s/o. Late Kharuram, r/o. Umda Bhilai 3, PO Surdung, Distt. Durg (CG) (PN 45389, DOR 31/10/2000)

Late Ram Ashish

59) Parmeshwar Chaudhari aged about 56 years, s/o. not known, r/o. Qtr No. 1I, Road No.88, Sector 6, PO Bhilai, Distt. Durg (CG)(PN 16626, DOR 9/6/2000)

(28)

(5)

60) R Mistri, aged about 59 years, s/o. Late Nathuni Mistri, r/o. Murli Kirana Store, H.S.C.L. Colony, Khursipar, Bhilai, PO Bhilai, Distt. Durg (CG)(PN 45509, DOR 31/7/2000)

61) Parsuram, aged about 51 years, s/o. Late Chhediram, r/o. Babulal Gupta Kirana Dukan, Camp No.2 Naharpar, Bhilai, Distt. Durg (C.G.) (PN 44484 DOR 9/6/2000)

62) Jhaduram, aged about 48 years, s/o. Chamru, r/o. Sonia Gandhi Nagar, Khursipar, Zone Bhilai, Distt. Durg (CG), (PN 42999, DOR 9/6/2000)

63) Bhagwat Das, aged about 51 years, s/o. Ramratan, r/o. Sector 11 Zone 1 Rajunagar, Near Kaushalya Shop, Distt. Durg (CG) (PN 42810, DOR 30/6/2000)

64) Hariram Yadav, aged about 47 years, s/o. Kanhaiya Yadav, r/o. Rajendra Prasad Chauk Kohka Road, near Verma Dairy Bhilai Distt Durg (CG)(PN 44569, DOR 30.6.2000)

Amended as per Court order dt. 29/6/03

65) R.N. Sharma, aged about 54 years, s/o. Ramlal Sharma, r/o.Bajrangipara, Bhilai 3 PO Bhilai, Distt. Durg (CG) (PN 20047 DOR 9/6/2000)

66) Kheduram Sahu, aged about years, s/o Suklal Sahu, r/o. village Mudpar, PO Nardha, Distt. Durg (CG)(PN 45516, dor 9/6/2000)

Punitram Suryawanshi, aged about 50 years, s/o. Vrijbhan Suryawanshi, r/o. Station Marauda, B.R.P. Colony, Bhilai, Distt. Durg (CG)(PN 45456, DOR 9/6/2000)

9/12/13

68) Mohanlal, aged about 58 years, s/o. Vithalram, r/o. Station Marauda, B.R.P. Colony, Bhilai, Distt. Durg (CG), (PN 46151. DOR 9/6/2000)

69) I.P.Rao, aged about 52 years, s/o. Vainkayya Naidu, r/o. Qtr No. 15 C. 54 Street Khursipar, Bhilai, Distt. Durg (CG)(PN 19773, DOR 9/6/2000)

70) Raju, aged about 48 years, s/o. Tamayya, r/o. Bhaimun Kirana Store, Zone 3 Khursipar, Bhilai, Distt. Durg (CG) (PN 44574 DOR 1/10/2000)

71) Laxman Singh, aged about 55 years, s/o. Jodh Singh, r/o. Block No. 26, Qtr No. 4G, Khursipar, Sector Distt. Durg (CG) (PN 18776, DOR 31/7/2000)

72) Makhanlal, aged about 56 years, s/o. Ramkishan, r/o. Junwani, Smriti Nagar, PO Junwani, Distt. Durg (CG) (PN 44767, DOR 31/5/2000)

73) Surta Singh, aged about 50 years, s/o. Sarayan Singh, r/o. Khursipar Gate, Shivaji Nagar, Bhilai, Pole No.11 Bhilai, Distt. Durg (CG) (PN 44422, DOR 1/6/2000)

74) Rajwashram, aged about 50 years, s/o. Late Sabraram, r/o. Qtr No. 20A St 52 Zone 2, Sector 11 PO Khursipar, Bhilai Distt. Durg (CG)(PN 90934, DOR 31/7/2000)

75) Mohanlal, aged about 48 years, s/o. Late Sunuram, r/o. Camp no.2 Power House, Gandhi Chauk, Bhilai, Distt. Durg (CG)(PN 46235, DOR 9/6/2000)

76) Ali Mohd. Aged about 51 years, s/o. Ibrahim Khan, r/oi. Gautam nagar Zone 1, Khursipar, Bhilai, Distt. Durg (CG)(PN 90853 DOR 11/10/2000)

77) Colector Ram, aged about 55 years, s/o. Kritram, r/o. Murli Kirana Store, H.S.C.L. Colony, Khursipar, Bhilai, Distt. Durg (CG)(PN 10936, DOR 9/6/2000)

78) Firangi ram, aged about 52 years, s/o. Sarupram, r/o. New Khursipar, Lodhi Mohalla, PO New Khursipar, Bhilai 12, Distt. Durg (CG) P.N. 46456

79) Banshi Chaudhari, aged about 54 years, s/o. Jamuna Chaudhari, r/o. Murli Kirana Store, H.S.C.L. Colony, Khursipar, Bhilai, Distt. Durg (CG)(PN 11047, DOR 31/10/2000)

80) Akaluram, aged about 56 years, s/o. Samaru, r/o. Murli Kirana Store, H.S.C.L. Colony, Khursipar, Bhilai, Distt. Durg (CG)(PN 10079, DOR 9/6/2000)

81) KISHANLAL, AGED ABOUT 45 YEARS, S/O. Late Sukhram, r/o. vill Risali Po. Newai, Ward No. 63, Distt. Durg (CG)(PN 44663, DOR 30/9/2000)

82) Sadhu Singh, aged about 55 years, s/o. Hakam Singh, r/o. New Khursipar PO Khursipar, Zone 3 Sangam Chauk, Bhilai, Distt. Durg (CG)(PN 14085, DOR 16/5/1997)

83) Shivnath Prasad, aged about 52 years, s/o.Dukhit Prasad, r/o. Gupta Tea Shop, Camp 1 PO Supela, Bhilai, Distt. Durg (CG) (PN 19815, DOR 9/6/2000)

84) Kapeel Dev Prasad, aged about 53 years, s/o. Late Ghanauri Prasad, r/o. Ruabandha Sector H.S.C.L. Colony, Qtr No. 58A, PO Civil Centre, Bhilai, Distt. Durg (CG)(PN10177, dor 9/6/2000)

85) S.R. Sandil aged about 54 years, s/o. Kawal Singh Sandil, r/o. vill Khamharia PO Purai, Distt. Durg (CG) (PN 44802, DOR 9/6/2000)

86) Parmeshwar ram, s/o. Late Ram adhar, aged about 52 years, r/o. Sahara Cycle Store, ITI, G.E. Road, Khursipar, Bhilai, Distt. Durg (CG)(PN 12281, DOR 9.6.2000)

87) R.N. Manjhi, aged about 51 years, s/o. Bhagwan Manjhi, r/o. Rani Kirana Store Baikunth Nagar, Camp 2 Bhilai, Distt. Durg (CG) (PN 19332, DOR 30/9/2000)

88) Shriram Nishad, aged about 56 years, s/o. Nageshwar Nishad, r/o. c/o. Dr. M.M. Mandal, Chandsi Medical Centre, Railway Station, Marauda, behind the Water Tank, PO Newai, Distt. Durg (CG)(PN 12887, DOR 9/6/2000)

89) D.D. Chaudhari, S/o Rup Narayan Choudhry aged about 52 years, r/o. Road No.53, Qtr No. 1E, Zone 2 Khursipar Sector 11, Bhilai, Distt. Durg (CG) P.N. 17140

Amended as per court order dt 28/6/03

90) Smt Shankari, aged about 48 years, w/o.Lal Biruli, r/o. C/o. Chandrika Kirana Store, H.S.C.L. Colony, Station Marauda, PO Newai, Distt. Durg (CG) (PN 22338 DOR 30/6/2000)

Bandhuram, aged about 53 years, s/o. Parsadiram, r/o. Ruabandha Sector H.S.C.L. Colony, Qtr No. 138B, PO Civik Centre, Bhilai, Distt. Durg (CG)(PN 20563 DOR 31/10/2000)

92) Gendlal Swarnkar, aged about 52 years, s/o.Khedan lal Swarnkar, r/o. vill Umda, PO Surdung, Distt. Durg (CG), (PN 45028, DOR 45028)

93) Panchuram aged about 48 years, s/o. Raghauram, r/o. vill. Risali Bhatapara, Shyamnagar, PO Newai, Distt. Durg (CG) (PN 46163, DOR 31/7/2000)

94) Punitram, s/o. Bulluram, aged about 58 years, r/o. vill Risali, near Primary School, PO oNewai, Distt. Durg (CG) PN. 46160

95) Satrughan Benjo, S/o. Late Guru Baria, aged about 50 years, r/o. Dilip Kirana Store, Spoz Road, Sunder Nagar, Camp 1 Bhilai, Distt. Durg (CG) (PN 45212 DOR 30/11/2000)

96) Nathuram, s/o. Bhaklu, aged about 56 years, r/o.vill Baba Mohama, PO Baba Mohma, Tah Bemetara, Distt. Durg (CG) (PN 45342, DOR 9/6/2000)

97) Indra Kumar, s/o. Late Vishal Ram, aged about 48 years, r/o. village Oteban, PO Matwari, Distt. Durg (CG) (PN 46622 DOR 16/5/2000)

98) Kanha Sende, aged about 50 years, s/o. Late Hagruji, r/o. Ambedkar Nagar, c/o. in front of Lohar Dukan Kohka Road, Supela, Distt. Durg (Chhattisgarh) P.N. 44424

99) Kanhaiya Chaudhari, s/o. Juggi Chaudhari, aged about 50 years, r/o. c/o. Hariram Yadav, Kohka Road, near Verma Dairy PO Supela, Bhilai Distt. Durg (CG)(PN 22695 DOR 9/6/2000)

100) Krishna Prasad, s/o. Raghubeer Prasad, aged about 45 years, r/o. Marauda H.S.C.L. Colony, Station Marauda, c/o. Sardar Singh Kirana Store Bhilai, PO Newai, Distt. Durg (CG)(PN 13940, DOR 9/6/2000)

101) Gulal Singh, s/o. Ramdayal, aged about 49 years, r/o. Jarvai PO Surdung, Distt. Durg (CG) (PN 45429 DOR 30/9.2000)

102) Rameshwar, s/o. Devsingh, aged about 50 years, r/o. Jarvai, PO Surdung Distt. Durg (CG) (PN 44045, DOR 9/6/2000)

103) Shivpujan Mahto, son of Devnarayan Mahto, aged about 53 years, r/o. H.S.C.L. Colony, Marauda, near Durga Mandir, PO Marauda, Distt. Durg (CG) (PN 17594, DOR 31/10/2000)

104) Sukwaro Bai Wd/o. Late Gendlal r/o. vill Chhata, PO Devada, Tah. Patan, Distt. Durg (CG) (Gendlal's PN 43825 43852 DOR. 20/5/2000)

105) Shivnandan son of Sonu, aged about 53 years, r/o.Chhota PO Devada, Tah Patan, Distt. Durg (CG)(PN 46006, DOR 9/6/2000)

106) Gokul ram, son of Sudan aged about 53 years, r/o. vill Chhata, PO Devada, Tah Patan, Distt. Durg (CG), (PN 45380, DOR 9/6/2000)

107) R.D. Rai, son of Shobha rai, aged about 56 years, r/o. H.S.C.L. Khursipar, Bhilai, PO Sector 11, Distt. Durg (CG)(PN 16752, DOR 9/6/2000)

108) Sukhram, son of Pusauram, aged about 46 years, r/o. vill Ghaigaon, PO Ghaidgaon, Tah. Saja, Distt. Durg (CG)(PN 45366 DOR 31/2/2000)

109) K Mohan Rao, son of K Ramlu, aged about 52 years, r/o.H.S.C.L. Colony c/o. Murli Kirana Store, Bhilai Distt. Durg (CG) (PN 44404 DOR 31/10/2000)

110) A Azad son of Mohd. Khani Khan, aged about 51 years, r/o. Paras Vast Bhandar, Nandani Road, Power House Bhilai, Distt. Durg (CG) (PN 90849 DOR)

111) Sudama Prasad son of Late Bhajnu Prasad, aged about 55 years, r/o. Ramchandra Hotel, Khursipar, Zone 2, Girls School, Bhilai, Distt. Durg (C.G.)(PN 10147, DOR 31/7/2000)

112) Smt Rambai, wife of Ramprasad aged about 51 years, r/o. Khursipar, Telhanala, c/o. Kanhaiya Kirana Store, Sector 11 Khursipar, PO Khursipar, Distt. Durb (CG) (PN 42929, DOR 27/7/2000)

113) Shriram son of Late Budhanram, aged about 53 years, r/o. Sahara Cycle Store, Khursipar, G.E. Road, in front of ITI Bhilai, Distt. Durg (CG)(PN 20538 DOR 9/6/2000)

114) RR Sharma, son of Late Somar Sharma, aged about 56 years r/o. c/o. Sangam Chauk, Prakash General Store, New Khursipar PO New Khursipar Bhilai Distt. Durg (CG)(PN 15882 DOR 9/6/2000)

Amended as per court order dt 28/6/13

115) Surendra Bharati, son of Late Ramchandra Bharti, aged about 60 years, r/o. c/o. Pandey Pan Centre, Nehru Chauk, Camp 1 Bhilai Road No.18 Tah and Distt. Bhilai (CG)(PN 18291 DOR 16/5/2000)

116) S.R. Gupta, son of Mahant Sahu, aged about 56 years, r/o. Sector 11 Zone 2 Khursipar, Bhilai Qtr No. NAV 15/F Po Khursipar Distt. Durg (CG) (PN 14379 DOR 14/10/2000)

Smt Dulari Bai, Wd/o. Late Sumer Singh Sahare, aged about 51 years, r/o. village Dhaneli, PO Dhaneli, Tah Gurur Distt. Durg (CG)(PN 45271, DOR 31/10/2000 of Late Sumer Singh)

118) Bhoklu ram sahu, son of Bihari lal aged about 49 years, r/o. village Newai, PO Newai, Tah and Distt. Durg (CG)(PN of Late Sumer Singh 45608 DOR 31/10/2000)

119) Dukhraj Manjhi, son of Subuda Manjhi, aged about 46 years, r/o. H.S.C.L. Colony, Station Marauda, PO Newai, Tah and Distt. Durg (CG) PN 18212, DOR 31/10/2000)

120) Chetan Manjhi, s/o, Chhuku Manjhi, aged about 50 years, r/o. H.S.C.L. Colony, Marauda PO Newai, Tah and Distt. Durg (CG)(PN 21858 dor 31/10/2000)

121) Smt Maya wife of Tumsa Hasda, aged about 50 years, r/o. H.S.C.L. Colony, Marauda Station PO Newai, Distt. Durg (CG) (PN 16166 DOR 30/6/2000)

122) Smt Sakhi, wife of Motai Manjhi aged about 46 years, r/o. H.S.C.L. Colony, Station Marauda, PO Newai, Tah and Distt. Durg (C.G.) (PN 90643 DOR 31/10/2000)

123) Krishna Kumar son of Heeraman aged about 52 years, r/o. Vikas Para, in front of Pump House, Ramnagar, Bhilai, PO Supela, Distt. Durg (CG) (PN 45876 DOR 9/6/2000)

124) Smt Mukta wife of Mansamtudu, aged about 53 years, r/o. H.S.C.L. Colony Station Marauda, PO Newai, Tah and Distt. Durg (CG)(PN 20280 DOR 30/6/2000)

125) Smt Jheera, wife of Khanderam, aged about 51 years, r/o. Nawagaon, P.S. Bhakhara, Tah Kurud, Distt. Dhamtari (C.G.) (PN 15059 DOR 30/6/2000)

126) Lachhan son of Late Bhedihar, aged about 55 years, r/o. vill Nawagaon, P.S. Bhakhara Tah Kurud, Distt. Dhamtari (CG)(PN 43869 DOR 9/6/2000)

127) Ram Laxman, son of Late Shivbalak aged about 54 years, r/o. c/o. Ramchandar Hotel, Labour Colony, Khursipar, PO Khursipar, Bhilai, Distt. Durg (CG) (PN 17758 DOR 10/7/2000)

128) Ramesh Biruli, son of Late Lanka Biruli, aged about 54 years, r/o. Qtr No. 4/F,. Road No. 86, Sector-6, PO Sector, 6, Distt. Durg (CG) (PN 10796 DOR 9/6/2000)

129) Smt Salho, wife of Baryatudu, aged about 46 years, r/o. H.S.C.L. Colony, Station Marauda, PO Newai, Tah and Distt. Durg (CG) (PN 91274 DOR 9/6/2000)

130) Daroga Gop, son of Late Tega Gop, aged about 58 years, r/o. Murali Kirana Store, Khursipar, PO Khursipar, Bhilai, Distt. Durg (CG)(PN 22361 DOR 9/6/2000)

131) Dhiraj Maram son of Late Chunnu Murmu, aged about 52 years, r/o. H.S.C.L. Colony, Station Marauda, PO Newai, Tah and Distt. Durg (CG) (PN 13734 DOR 9/6/2000)

132) C.S.P. Singh, son of Late Ayodhya Singh, aged about 57 years, r/o. Baikunthdham, near Vishwakarma Floor Mill, Camp No.2 Bhilai PO Bhilai-1, Distt. Durg (CG) (PN 43543 DOR 31/3/99)

133) Muneshwar Singh, son of Late Subhdayal Singh, aged about 59 years, R/o. c/o. Nandkishore Singh, Prakash Medical Store, Station Marauda, PO Newai, Distt. Durg (PN 14772 DOR 31/3/99)

134) Petar Khalko, son of Gregary, aged about 52 years, r/o. Ruabandha, Sector, Qtr No. 136/C, H.S.C.L. Qtr, PO Risali, Distt. Durg (CG), (PN 19365 DOR 9/6/2000)

135) Vijay Sharma, son of Late Rampreet Sharma, aged about 57 years, r/o. Ruabandha Sector, Qtr No. 136/C H.S.C.L. Colony, Qtr PO Risali, Tah and Distt. Durg (Pn 10116 DOR 30/4/2001)

136) Gena Prasad, son of Late Sunnqar Prasad, aged about 55 years, r/o. Sahara Cycle Store, near ITI, G.E. Road, Khursipar, PO Khursipar, Bhilai, Tah and Distt. Durg (CG) (PN 12962, DOR 31/7/2000)

(33)

(10)

137) Bhagirathi, son of Laxman, aged about 56 years, r/o. Paraskol, PO Raunda, PS Dhamdha, Tah Dhamdha, Distt. Durg (CG) (PN 43282 DOR 20/1/2001)

138) Udairam, son of Sewaram, aged about 51 years, r/o. vill Khamhariya PO Jewra, Sirsa, Tah and Distt. Durg (CG) (PN 44673 DOR 31/10/2000)

139) Manai Prasad, son of Nami Prasad aged about 54 years, r/o. Shivaji Nagar, Khursipar Gate, c/o. Ankit General Store, Bhilai, Distt. Durg (PN 22154 DOR 31/10/2000)

140) Suresh Prasad son of Late Vishambhar Prasad, aged about 50 years, r/o. vill Shekhbigha, PO Satganwa Via Hariharganj, Tah and Distt. Aurangabad (Bihar) (PN 40497 DOR 9/6/2000)

141) S.N. Thakur, son of Late Shri Ram Swarath Thakur, aged about 57 years, r/o. Camp-1, Vrinda Nagar, Prasad Office, Ward No.-19, PO Supela, Bhilai Tah and Distt. Durg (CG) P.N. 14707

Amended as per court order dt 18/6/03

142) Mahendra Rajak, son of Late Lakhan Rajak, aged about 52 years, r/o. Nawik Jal Grih, G Road, Zone-3, Bhilai Khursipar, PO Khursipar, Distt. Durg (CG) (PN 17545 DOR 31/10/2000)

143) M.C. Chaudhari, son of Late Gangadheen Chaudhari, aged about 55 years, r/o. Camp No.2, Baikunthdham, c/o. Janata General Stores, Bhilai, PO Khursipar, Tah and Distt. Durg (PN 19903 DOR 9/6/2000) Permanent resident : village-Duba, PO Darauli, Distt. Shiwan (Bihar)

144) Abhul Wahid, son of Abdhul Hafeez aged about 45 years, r/o. Indirapara, Bhilai-3, PO Bhilai-3 c/o. in front of Dubeghar, Distt. Durg (CG) (PN 45588 DOR 31/7/2000)

145) Parsuram son of Late Vijayram, aged about 56 years, r/o. village and PO Audhi Tah Patan, Distt. Durg (CG), (PN 46053) DOR 9/6/2000)

46093

146) R.K.Ram son of Nunulal Ram aged about 32 years, r/o. Murali Kirana Store, H.S.C.L. Colony, Khursipar, Bhilai, Distt. Durg (CG) (PN 13470 DOR 31/10/2000)

147) Kishanchand, son of Late Suganchand, aged about 58 years, r/o. vill Pendari, PS Utai, PO Selud, Tah Patan Distt. Durg (CG) (PN 44179 DOR 9/6/2000)

148) Devsingh, son of Late Chintaram, aged about 49 years, r/o. village Pauwara, PO Bara, PS Utai, Tah and Distt. Durg (CG)(PN 45642 DOR 9/6/2000)

PETITIONERS

1) Union of India, Through Secretary,
Government of India, Ministry of Industries,
Udyog Bhawan, New Delhi.

2) The Secretary, Government of India, Ministry of Labour, Udyog Bhawan, New Delhi.

3) Chief Managing Director, Hindustan Steel Works Constructions Limited, 8th Floor, Kolkata (West Bengal)

4) General Manager, Hindustan Steel Construction Limited

(34)

(11)

Bhilai, Distt. Durg (C.G.)

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226 / 227 OF THE CONSTITUTIONS OF INDIA.

COUNSEL OF THE PETITIONERS

XI-HC-22

(105)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक WP 744/02

मामला क्रमांक WP 2/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	28.4.2005 Mr. B.R. Ghosh, counsel for the petitioner in W.P. No.2/2001. Mr. D. Shashidharan, Advocate with Shri C.R. Sahu, Advocate for the petitioners in W.P. Nos.3081/2000, 4205/2000, 5569/2000, 5571/2000, 51/2001, 54/2001, 55/2001, 102/2001, 205/2001, 468/2001, 1847/2001, 1261/2002, 1379/2002 & 1542/2002. Mr. P.P. Sahu, counsel for the petitioners in W.P. Nos.220/2002, 431/2002, 744/2002 & 1354/2002. Mr. Thakur Vijay Singh, Assistant Solicitor General of India for respondent No.1 & 2 in all the writ petitions. Mr. V.V.S. Murthy, Sr. Counsel for respondent No. 2 & 3 (3 & 4) in W.P. Nos.431/2002, 744/2002 & 1379/2002 and in rest of the aforementioned petitions Mr. P.S. Koshy, Advocate with Mr. Vinod Deshmukh, counsel for respondent No.2 & 3. As all these petitions relate to those employees who took the voluntary retirement under the Voluntary Retirement Scheme introduced by respondent No.2 & 3 vide HO circular No. GM (P&A)/ESTT/16/88 dated 10.11.1988, HO Circular No. PER /RR/531/M-7221 dated 18th/19th 11.1993. & HO Circular No. PER/RR/331 dated 28.6.1995, which was extended from time to time upto year 2000, relief claimed by the petitioners in these petitions are covered by the points raised in W.P. No.2/2001, therefore, these petitions are being disposed of by this common order.	

In compliance of Hon'ble Court dt 29/09/2012 passed in MCC 233/05, order dt 28/04/05, is modified/ corrected accordingly.

10-12-12
AR (J)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	-2-	

At the outset it may be mentioned that respondent No.2 & 3 have not denied the admissibility of the benefits to the petitioners, but their case is that respondents concern is running in loss and due to financial crunch they introduced voluntary retirement scheme for reducing the workmen force in order to reduce the financial burden. In the return of respondent No.2 & 3 it has been mentioned that respondents have never denied benefits to its employees but because of paucity of funds the benefits of salary and wages cannot be given in full extent.

The first claim made by the petitioners is that they are entitled for the arrears of 5th Pay Commission from 1.1.1996 to 31.12.1997. Learned counsel for the petitioners submits that employees of respondent No. 2 & 3 were given benefits of 4th Pay Commission and thereafter, 5th Pay Commission was given to all Public Undertakings w.e.f. 1.1.1996 and in this connection a circular dated 20.1.1998 (Annexure P-1) was issued. Since the employees of respondent No.2 & 3 fall under the Central Dearness Allowance (C.D.A.), they are also eligible for 5th Pay Commission from 1.1.1996, but the employees of Bhilai Unit working under respondent No.3 have been allowed the said benefits only from 1.1.1998 and have been deprived of the said benefits for the period from 1.1.1996 to 31.12.1997.

Mr. Koshy, counsel for respondent No.2 & 3 submits that except arrears for this period i.e. from 1.1.1996 to 31.12.1997 all the dues have been paid to the petitioners.

(85)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... W P ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In this connection, if we look into the Annexure P-2 dated 10.11.1988, at the time of introduction of voluntary retirement scheme the employees of respondent No.2 & 3 were informed that they will be paid all the benefits as mentioned in the circular including the CPF, Earned Leave encashment as per rules of the Company, gratuity, salary for the notice period and T.A. equivalent to actual fare of the class by Rail to which the employees is entitled for self and family proceeding to recorded home town and reimbursement of actual expenditure incurred for transportation of personal effect as per T.A. Rules.

Since the respondent company is running in loss that is why the Central Government came forward for financial assistance to the respondents-Company and as informed by Mr. Murthy that in the first instance Rs.79.99 crores non-plan loan was sanctioned by the Central Government in the year 1999-2000 to meet the liability of statutory dues granted in 1999 as part of comprehensive revival package, thereafter, a non-plan loan of Rs.89.44 crores granted in the year 2001-02 to meet the liability of statutory dues to separated employees and similarly, a non-plan loan of Rs.61.11 crores granted in the year 2002-03 for payment of dues to the employees of respondent HSCL. Accordingly, the Central Government has granted so much financial assistance to the respondent-Company in order to make the payment of separated employees as comprehensive revival package and the petitioners sought voluntary retirement, as per respondent company's scheme, contributed towards the company for reduction in the workmen,

(पीछे देखिए)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...W.P.(S)... / ... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

therefore, respondent No.2 & 3 should not ignore the sacrifice made by the petitioners by seeking voluntary retirement. Thus, in my opinion, in view of all the above facts the petitioners are entitled for the benefit of 5th Pay Commission and also the benefit of arrears for the period from 1.1.1996 to 31.12.1997 as claimed by the petitioners, as the petitioners are a class separate because they have took the voluntary retirement and being retired employees they required some financial assistance for their settlement after their retirement. The employees, who are still working, are getting their salaries but the retired employees are wholly dependant on the retiral benefits whatever they received. Particularly when respondent No.2 & 3 have been rendered financial assistance by the Central Government, they are under obligation to pay the arrears of 5th Pay Commission to the employees who took the voluntary retirement as per the scheme introduced by the respondent No.2 & 3. As such, it is directed that respondent No.2 & 3 shall pay the arrears of 5th Pay Commission to the petitioners for the period 1.1.1996 to 31.12.1997, as claimed by the petitioners.

Now, coming to the second point raised by the counsel for the petitioners regarding D.A., which was 38% up to 31.6.2000 and ultimately increased to 41% from 1.7.2000, as mentioned in Clause (b) of Paragraph No.4 of the petition. Counsel for the petitioners' contention is that till 30.6.2000 the petitioners were paid 22% DA only, whereas they were entitled for the increased DA. As against this Mr. Koshy submits that as per circular of

(पीछे देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... / **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Ministry of Steel dated 14.7.1999 (Annexure R-2) made effective from 1.4.1999 the additional D.A. was frozen on account of financial crunch and loss to the company. In this connection, again I would like to mention the same point which has been mentioned in the earlier part of this order that as far as the working employees are concerned, it may be legal but for the retired employees who took the voluntary retirement and they are wholly dependent upon the retiral benefits and looking to the contribution of these persons by coming forward for seeking voluntary retirement in order to contribute for reduction of the workmen in the company so as to reduce the financial burden on the company, respondent No.2 & 3 are expected to more generous towards these employees, as after their retirement only retiral benefits are the money on which they can prolong their life. Therefore, respondent No.2 & 3 should pay the DA at the increased rate to the petitioners till the date they took voluntary retirement. Mr. Koshy tried to raise the point that some of the employees approached the Hon'ble Apex Court under Article 32 of the Constitution of India for directing the respondent Company to release the DA etc and he has submitted that said petition has been dismissed by the Hon'ble Apex Court with the direction that the petitioners would be at liberty to approach the respondent Company for increase of DA in terms of the scheme in case the company earns profit. But again in my humble opinion it applies to the working employees only and the petition was also filed by the working employees. As mentioned earlier that the petitioners

(पीछे देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... **सन् 200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

herein are a class separate, they are retired employees, therefore, respondent No.2 & 3 even after getting financial assistance from the Central Government they are not paying to these employees, therefore, they should pay the DA increased from time to time by the Central Government to the petitioners till date of their retirement.

As far as the point with regard to the increase of House Rent Allowance is concerned, the reply of respondent No.2 & 3 is that increased HRA could not be paid to the employees on account of paucity of funds. But when respondent Company has been directed to pay the increased DA, as such the petitioners are also entitled for increased HRA. Therefore, it is held that respondent No.2 & 3 should pay the increased HRA to the petitioners as per rules.

The other point raised by learned counsel for the petitioners is that in some cases the petitioners have opted for voluntary retirement in the month of August 1999 but they continued in services till June, 2000, but the salary for this intervening period i.e. from 1.9.1999 till their actual date of retirement has not been paid to them. In this respect, Mr. Koshy submits that payment has already been made and the petitioners' counsel also concedes that payment has already been received.

As far as other allowances i.e. actual allowance incurred by the petitioners for transportation of their luggage, self-travelling allowance alongwith their dependent family members to reach their declared home-town & settlement allowance are concerned, in this

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

connection Mr. Koshy submits that Accounts Department has taken an objection that employees are claiming transportation of their luggage, self travelling expenses & settlement allowance on forged bills without settling at their declared home town and even some of the employees were retaining the company's quarters.

Mr. Shashidharan, counsel for the petitioners argued that the employees are entitled for settlement allowance even if they decide to settle at some other place than the declared home town.

Having heard learned counsel for the parties and having regard to the facts in case, this is the normal practice that when an employee retires he is entitled for transportation charges, travelling charges for himself and his dependent family members to reach his declared home town, therefore, respondent No.2 & 3 are directed to pay the petitioners travelling allowance for the employee himself along with dependent members of his family, transportation of house holds and settling allowance as per actual expenses incurred in that respect by the employees upto the extent admissible under the rules. It is made clear that these allowances will be admissible to the petitioners after satisfying the respondents about incurring of those expenses and in this connection before making payment respondents can ask for tickets of the travelling and also the receipt of transportation. They will also be entitled to have their satisfaction that the employee has actually settled at the declared hometown.

As far as the claim regarding medical facility is concerned, the main grievance of the petitioner is that the medical facility was

(पीछे देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...W.P.... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —8—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

given to them as per 4th Pay Commission, whereas it ought to have been given as per 5th Pay Commission. In this respect having considered the point raised by learned counsel for the petitioners, I am of the opinion that it is appropriate to direct the respondents that in case any employee incurred any medical expenses admissible to him before the retirement as per medical rules and then they are entitled for the difference on account of the rules of pay revision in pursuance of 5th Pay Commission on satisfying by the concerned employee about the incurring of that expenses difference between 4th Pay Commission & 5th Pay Commission, if any, be paid to the petitioners.

As far the claim of the petitioners regarding Leave travel concession (LTC) is concerned, as the respondents company is already running in loss and Central Government has also from time to time restricted the LTC entitlement of the employees, I am of the opinion that looking to the financial crunch of the respondent Company it is not appropriate to grant this relief to the petitioners, moreover, they have already been retired and also in view of the fact that in the case of DA inspite the fact that DA has been frozen the petitioners have been granted increased D.A. by this order. Hence, this claim cannot be allowed.

As far as the last claim of the petitioners regarding benefit of additional privilege of Earned Leave (EL) and Half Pay Leave has been curtailed is concerned, counsel for the petitioners argued that the benefit of earned leave and half pay leave, which was admissible to the petitioners under Annexure P-2 whereby the

(पीछे देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP/...../ **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 9 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

employees were offered voluntary retirement scheme has been curtailed by Circular Annexure P-4 dated 28.8.2000 with retrospective effect. Again in my opinion, curtailment of this benefit with retrospective effect cannot be considered to be valid. In the first place the petitioners took the voluntary retirement in pursuance of the scheme introduced by the respondent company for reduction of the workmen force and on the other hand curtailment of the benefit of earned leave and half pay leave with retrospective effect vide Circular Annexure P-2 dated 28.8.2000 by the respondent Company is contrary to the spirit of circular Annexure P-2. Therefore, in my opinion the respondents are not entitled to curtail the benefit of earned leave & half pay leave till 27.8.2000, however, that can be made effective in the cases where the retirement has been effected w.e.f. 28.8.2000. Accordingly, respondents are directed to give benefit of encashment of Earned Leave & Half Pay Leave to the petitioner as per rules up to 27.8.2000 as per the prevailing scheme up to that date.

Mr. Shashidharan, counsel for the petitioners submits that apart from these claims in some cases respondents are charging more license fee of the quarters, which are provided to the employees by the respondent No.2 & 3 in comparison to the outsiders to whom the company has also provided the quarters. He further submits that in some of the case some employees incurred expenses in respect of special diseases, which were not to be recovered from the employees concerned, but the same have been recovered from the dues payable to the employees.

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	As far as these points are concerned, the petitioners are at liberty to avail the separate remedy as admissible under the law. In the result, for the foregoing reasons, the respondents are directed to make the payments to the petitioners in light of the aforesaid directions given by the Court as early as possible but not later than six months from today, as most of the petitioners took their retirement 5 to 6 years back and they are waiting for their retiral dues. Writ Petitions stand disposed of in terms of the above order. Certified copy as per rules. Sd/- L.C.BHADOO Judge	

Roshan/-

(पीछे देखिये)